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Alternative Environmental Solutions, Inc.

"Providing Quality, Client-Centered Environmental Solutions"

**Spill Prevention
Control and
Countermeasure
(SPCC) Rule Update**

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Dear Brian,

At AES it is our desire to keep our valued clients and associates informed with up to date environmental, geologic, remediation, land development, energy conservation and other useful information. We hope you find this newsletter helpful, and we look forward to hearing from you soon.

Spill Prevention Control and Countermeasure (SPCC) Rule Update

by Jude Horton

In an effort to streamline requirements, provide clarity, and tailor requirements to particular industry sectors, the EPA has issued a final rule amending the Spill Prevention Control and Countermeasures rule. The following is a breakdown of some of the key components of this rule in very broad strokes.

The final rule exempts residential heating oil tanks at farms and single-family homes. This means that unless the home is non-residential, and therefore can be included in the aggregate storage capacity, an SPCC is not necessary.

Cargo tank vehicles which are parked between deliveries are no longer subject to size secondary containment. That means that instead of planning for a catastrophic rupture, owners/operators need only plan for the most likely discharge.

The EPA also restored its 1973 definition of 'navigable waters.' 'Navigable waters' is now defined as all navigable

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waters and tributaries of the United States. The definition goes on to include interstate waters, and interstate lakes, rivers and streams which are used for recreation or other purposes, and/or from which fish or shellfish are taken or sold. Simply put, if you're in the United States, and you fish in it, play in it, or travel in or on it, it's considered 'navigable waters.'

The new rule clarifies its definition of a loading rack. A loading rack is broadly defined as a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to an SPCC plan. This includes an unloading arm. The rule further clarifies requirements for three specific types of loading racks:

- Loading racks attached to an underground storage tank (UST) system that might otherwise be exempt, must be equipped with sized secondary containment.
- Bulk plant facility dispensers, attached to exempt UST systems, must only meet the general secondary containment requirements - a plan for the most likely discharge.
- If a pipe stand is connected to a rail car or cargo tank vehicle, it is not considered to be a loading rack, and is therefore not subject to compliance with SPCC regulations.

Finally, in recognition of the fact that each bulk plant is unique, the new rule allows bulk plant owners or operators more input into their SPCC plans.

- Facility owners or operators now have the ability to decide the boundaries of the facility and which structures to include for the purpose of compliance.
- Owners or operators of Tier I facilities may now use an EPA SPCC plan template to draft and self-certify their SPCC plans. They are not required to involve a professional engineer.
- Owners or operators of Tier II facilities may draft, revise and self-certify their SPCC plans, but they may NOT use the EPA template. Any deviation from their SPCC plan MUST be certified by a professional engineer.
- As long as certain conditions are met, owners or operators of a bulk facility may decide which security measures are to be included in their SPCC without the input of a professional engineer. The EPA however, may determine that the security measures are ineffective, in which case the facility will be found to be out of compliance.

For more information on the upcoming changes to SPCC requirements, visit [the EPA website](#) to view a pre-publication copy of the rule. While these changes are coming, it is important to note that no rule is in effect until 60 days have elapsed from the date of publication in the Federal Register. As the time of this writing, these rules have not been officially published in the Federal Register.

Are You Ready for the Rate Hike?

by Brian Beahan

New Years' Day, 2010 will be marked with both celebration and frustration. When the parties end, the rate hikes begin. PPL Electric Utilities will join Pittsburgh's Duquesne Light and others in raising their rates when the decade old rate cap expires. Sonny Popowsky, Pennsylvania's Utility Consumer Advocate predicts the following rate increases:

- Allegheny Power: 63% increase
- Metropolitan Edison: 54% increase
- Pennsylvania Electric: 50% increase
- PPL Electric Utilities: 37% increase
- PECO Energy: 8% increase

Will your business be ready? In this current economic climate it is important to carefully plan ahead for this added expense. Fortunately, businesses are recognizing the advantages of green technology and reducing their carbon footprint. By implementing the proper energy conservation plan, businesses will save money, reduce their carbon footprint, garner goodwill with consumers, and may even be eligible for certain tax breaks. Going green also has its advantages from a public relations standpoint. It sends the message that you are a responsible business and care about the future of the planet. Customers then attribute those qualities to their business dealing with you. You will be responsible to them, and you care for them.

What can be done right now?

First things first-schedule an energy audit. An informed opinion is essential. Contact a qualified energy consultant to schedule a walkthrough of your property. For example, for a limited time, Alternative Environmental Solutions is

offering a free energy audit. Our professionals will take a thorough look at your property, ask a few questions, and create an energy conservation solution and cost reduction strategy tailored to the specific needs of your company. You should expect intelligent suggestions, a cost analysis, and a schedule of your projected return on investment.

Calculate your carbon footprint. Once you implement an energy conservation plan, you will see a marked change in your carbon footprint. By associating with a carbon credit market, you can sell your unused carbon credits.

Alternative Environmental Solutions is associated with the Global Emissions Exchange, and can handle calculating and tracking the change in your energy usage, and can assist in selling your unused carbon credits.

Research shared savings programs. The concept of a shared savings program is nothing new. School districts, for example, have been taking advantage of this idea for years. Shared Savings is way to offset the upfront cost of an energy conservation solution by paying for the start up costs of your energy conservation plan using the money saved on your energy costs. This could mean no capital investment for your company.

There is hope. Advancements in new green technology and renewed interest in alternative energies have provided many money saving, environmentally-friendly options. One such option, induction lighting, is a very promising solution for many outdoor applications. It has been proven to reduce energy costs by up to 50%. That fact alone could offset the upcoming rate hike. Induction lighting, however, has other advantages.

1. Induction lamps generally last for 100,000 hours. For most applications, this means no maintenance costs for up to 10 years.
2. Because of the small amount of mercury used in induction lamps, and the fact that it is a solid amalgam, there is a large reduction in hazardous waste. (FYI, the mercury from ONE fluorescent bulb can pollute 6,000 gallons of water beyond safe levels for drinking.)

The best way to weather the upcoming storm of higher utility bills is to educate yourself. Talk to an informed environmental professional. Discuss your options and have your solution implemented on a schedule that works for your company.

We're Hiring

By John N. Ward, President

We are continuing to look for qualified professionals to join our team. We appreciate your referrals of business and now are seeking your referrals for qualified environmental and geologic consulting professionals. If you know of anyone who is seeking a change and a challenging new direction in their career, where creativity and solutions-oriented thinking really make a difference, please pass on our contact information.

Find out more....

Our customers have approached us with problems, we've understood what needed to be done and we've provided appropriate solutions. Our mission statement, indeed our company as a whole, is centered on meeting this objective. May we put our quality, client-centered environmental solutions to work for you too?

On behalf of the staff of Alternative Environmental Solutions, Inc., I invite you to experience the value we add to your business.

Sincerely,

Brian J. Beahan
Alternative Environmental Solutions

email: aes1@altnv.com
phone: 717-517-5000
fax: 717-517-5004
web: <http://www.altnv.com>

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